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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,460	07/09/2001	Maurizio Tonella	S1022/8702	6548
23628	7590	03/25/2005	EXAMINER	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2211			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/901,460

Applicant(s)

MAURIZIO TONELLA

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2001 and 12 February 2002.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-19, 22 and 23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 6-8, 11-15, 18 and 19 is/are allowed.  
6) ☒ Claim(s) 1-5, 9, 10, 16 and 17 is/are rejected.  
7) ☐ Claim(s) 22 and 23 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 08/670,457.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07-2001, 05-2003.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

***Specification***

1. The disclosure is objected to because of the following informalities: the status of the priority application 08/670,457 should be updated as being abandoned. Appropriate correction is required.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119 (a)-(d). The certified copy has been filed in parent Application No. 08/670,457.

***Claim Objections***

3. Claims 22 and 23 are objected to because of they depend on canceled claim 21. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-10 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Porter (US 5,515,372).

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4. Regarding claims 1 and 16, Porter discloses a method of transmitting information in an RDS, where information is coded messages of data packets (col. 1, lines 38-45). The method comprises repeatedly transmitting data packets (col. 5, line 66 through col. 6, line 7) having at least a first and second types of codes messages (col. 1, lines 54-59; col. 2, lines 12-17 and 61-67; col. 6, lines 10-14), classifying information contained in the data packets into at least a first and second class type (col. 4, lines 64-67), associating at least a first and second number of re-transmissions to the first and second class type of information (col. 6, lines 2-14), and transmitting the information for a number of times corresponding to the re-transmission, where the number of consecutive repetitions of an information discriminates the first and second class type of information (col. 5, line 66 through col. 6, line 7; col. 1, lines 46-52).

5. Regarding claim 9, Porter discloses an RDS transmitter (fig. 1) for repeatedly transmitting data packets of a particular type (col. 6, lines 2-8). The transmitter comprises a storage means (figs. 1 and 2, item 20) containing information to be transmitted (fig. 1, items 28 and 41; fig. 2, item 39; col. 5, lines 10-15, 43-45 and 47-62; col. 6, lines 52-56) which is stored such that it is distinguished by an associated class (col. 6, lines 2-20; col. 7, lines 35-50), a read means (fig. 1, items 24-40) for selecting and reading information to be transmitted from the storage means to prepare a digital signal of data packets of a particular type (col. 1, lines 38-40 and 45-50) and repeatedly transmitting data packets classified into different types (col. 1, lines 54-67; col. 6, lines 2-17), where the repetition is based on class type, and a transmitting means (fig. 1, items 12-18) to receive and transmit the digital signal, where the number of receptions discriminates the first and second class type of information (col. 4, lines 48-52 and line 64 through col. 5, line 5).

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6. Regarding claims 2 and 10, the first class type corresponds to a programs service name (col. 2, lines 18-19) and the second class type corresponds to a radio text (col. 2, lines 38-40).
7. Regarding claim 3, the first number of retransmissions is greater than the second number of retransmissions (col. 6, lines 10-12; note: four retransmissions for type 0 vs. two retransmission for type 2).
8. Regarding claims 4 and 17, a time lapse that separates consecutive transmissions is dependent on a particular class (col. 6, lines 10-12; note: various data types are repeated a different number of times per second for a given time interval).
9. Regarding claim 5, the data packets contain a service name of a program (col. 1, line 60 through col. 2, lines 1-3).

#### ***Allowable Subject Matter***

10. Claims 6-8, 11-15 and 18-19 are allowed.
11. Claims 22-23 are objected to, but would be allowable if properly dependent upon allowed claim 11.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:30 AM to 7:00 PM ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

March 16, 2005

*Seema S. Rao*  
**SEEMA S. RAO** 3/16/05  
**SUPERVISORY PATENT EXAMINER**  
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